



# ***Approved Iowa Court Forms & Instructions for a Petitioner in a Divorce That Does Not Involve Minor or Dependent Children***

Provided by the Iowa Supreme Court and Office of State Court Administration, Des Moines, IA.

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- You are the Petitioner if you are getting a divorce and you file the first paper (a Petition for Dissolution of Marriage) to start the divorce case.
- You must use these forms if ALL these statements are true:
  - You are getting a divorce.
  - You do not have minor children (under 18 years old).
  - You do not have dependent children (age 18 years or older and who still need your support). For example: they are in college or they have a physical handicap(s) and you financially support them.
  - You have not hired an attorney to help you with the divorce.
- Carefully read the forms and instructions. They provide all the information you are likely to need to obtain a divorce.
- After you read the instructions, if you still do not understand how to fill in or what to do with a form, you should contact an attorney.
- Clerks and other court staff are not authorized to answer questions about these forms.

**PETITION FOR DISSOLUTION OF MARRIAGE WITH NO MINOR CHILDREN**

**PRINT CLEARLY**

**A.** IN THE DISTRICT COURT FOR \_\_\_\_\_ COUNTY, IOWA  
*(County where you are filing this Petition)*

IN RE THE MARRIAGE OF:

\_\_\_\_\_ and \_\_\_\_\_  
*(Your name) (Your spouse's name)*

**B.** UPON THE PETITION OF

\_\_\_\_\_  
PETITIONER *(Your full name: first, middle, last)*

AND CONCERNING

\_\_\_\_\_  
RESPONDENT *(Your spouse's full name: first, middle, last)*

**Equity case number:**

Petition for Dissolution of  
Marriage With No Minor  
Children  
*(CLERK STAMPS HERE)*

**C. PERSONAL INFORMATION**

**1.** Petitioner's (*your*) birth date and present residence: \_\_\_\_\_  
*(Date of birth)*

\_\_\_\_\_  
*(Present street address) (City) (State) (Zip code)*

\_\_\_\_\_  
*(County) ( ) (Phone number)*

**2.** Respondent's (*your spouse's*) birth date and present residence: \_\_\_\_\_  
*(Date of birth)*

\_\_\_\_\_  
*(Present street address) (City) (State) (Zip code)*

\_\_\_\_\_  
*(County) ( ) (Phone number)*



**E. REQUEST OF THE PETITIONER**

**11.** The Petitioner asks the court to (*check all that apply*):

- a.  End the marriage of the Petitioner (*you*) and Respondent (*your spouse*).
- b.  Fairly divide the property and the debts of the parties.
- c.  Order that the Respondent (*your spouse*) pay the court fees.
- d.  Order that the Respondent (*your spouse*) pay for Petitioner's (*your*) attorney fees.
- e.  Order that the Respondent (*your spouse*) pay alimony to the Petitioner (*you*).
- f.  Change the Petitioner's (*your*) last name to:

\_\_\_\_\_  
(*Print your former or maiden name*)

g.  Other request: \_\_\_\_\_  
\_\_\_\_\_

**F. ATTORNEY HELP**

Check one: a.  An attorney did not help me prepare or fill in this paper.  
b.  An attorney helped me prepare or fill in this paper. (*If you check b., you must fill in the following information*):

\_\_\_\_\_  
(*Name of attorney or organization, if any*)

\_\_\_\_\_  
(*Attorney's P.I.N. # -- Ask the attorney*)

\_\_\_\_\_  
(*Business address of attorney or organization*)

\_\_\_\_\_  
(*City*)

\_\_\_\_\_  
(*State*)

\_\_\_\_\_  
(*Zip code*)

(\_\_\_\_\_) \_\_\_\_\_  
(*Attorney's phone number – required*)

(\_\_\_\_\_) \_\_\_\_\_  
(*Attorney's fax number, if there is one*)

**G. OATH AND SIGNATURE**

I, \_\_\_\_\_, have read the above Petition, and I certify  
(*Print your name*)  
under penalty of perjury and pursuant to the laws of the state of Iowa that the information I have provided in this Petition is true and correct.

\_\_\_\_\_, 20\_\_\_\_\_  
(*Date*)

\_\_\_\_\_  
(*Your signature - Required*)

\_\_\_\_\_  
(*Your mailing address – Required*)

\_\_\_\_\_  
(*City – Required*)

\_\_\_\_\_  
(*State, Zip code –Required*)

(\_\_\_\_\_) \_\_\_\_\_  
(*Phone number - Optional*)

\_\_\_\_\_  
(*E-mail address – Optional*)

(\_\_\_\_\_) \_\_\_\_\_  
(*Fax number - Optional*)

## **Instructions on How to Complete a Petition for Dissolution of Marriage With No Minor Children (FL-101)**

**Do not file or give these instructions to the district court clerk's office.**

**Use this form only if all of these are true:**

- You are married.
- You want to file a Petition for divorce.
- There are no children under the age of 18 who are children of both the husband and the wife.
- There are no children under the age of 18 who were adopted or born during this marriage.
- There are no children 18 years of age or older who still need support.
- The wife is not pregnant.
- Your spouse lives in Iowa or you have lived in Iowa for the last year before you file the Petition.

**Do not use this form if any of these are true:**

- You and your spouse have children under the age of 18.
- You and your spouse have children 18 years of age or older who need support. For example: The child is 18 years of age but is still in high school. Or the child is 18 years of age or older but is in college or disabled and needs support.

**No forms are available for these situations:**

- You want to divide property, but are not married.
- You have children with another person and you want to have custody of the children, but you are not married.
- You and your spouse are divorced, but you want to change something in the divorce order.
- You want support for yourself or your children, but you do not want a divorce.

**Contact an attorney if one of these is true:**

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

**Court staff cannot give you legal advice.**

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

**The district court clerk will charge you a filing fee when you file this form.**

- Ask the clerk how much it will cost. You might be able to file the form without paying the fee. See form **FL-109** and its instructions.

**After you file the Petition at the district court clerk's office, you have 90 days to serve the Petition on the Respondent (your spouse).**

- If you fail to meet this deadline your dissolution of marriage case will be dismissed.

**If this is the form you need:**

- Begin at the top of page 1 on the Petition and fill in the information. Use the information on the following pages to help you fill in the form correctly.

**Print clearly when you write information on form **FL-101****

## How to Fill in Form **FL-101**

### **Part A. IN THE DISTRICT COURT**

- *In the District Court for:* Print the name of the county where you are filing the Petition. If you live in Iowa, file it in the county where you live. If you live in another state and your spouse lives in Iowa, write the name of the county where your spouse lives.
- *In Re the Marriage of:* On the first line print your full name; on the second line print your spouse's full name. Use the legal names you have now.

### **Part B. UPON THE PETITION**

- You are the Petitioner. On the first blank write your full name: first, middle and last.
- Your spouse is the Respondent. On the second blank write your spouse's full name: first, middle and last.
- In the box on the right side of the page, write the **Equity case number**. The district court clerk's office will determine the number to write in this box. This will be the case number for the rest of your divorce case. It will go on the first page of every form or other legal paper filed in your case.
- Do not write anything in the box below the words "Clerk Stamps Here." The district court clerk uses that box.
- The district court clerk will stamp the date your case is filed.

### **Part C. PERSONAL INFORMATION**

► **If you have been assaulted by your spouse and you fear for your safety, you may leave your present address (where you live) and phone number blank.** However, in part **G.** on the form, you must provide an address where you can *receive mail*. Ask the district court clerk about this if you have any questions.

- 1.** You are the Petitioner. On the blank lines write in your date of birth, address, city, county, state, zip code and telephone number. Make sure the information is correct.
- 2.** Your spouse is the Respondent. On the blank lines write in your spouse's date of birth, address, city, county, state, zip code and telephone number. If you do not know all of the information, fill in what you do know.

### **Part D. INFORMATION ABOUT THE MARRIAGE AND THE PARTIES**

- 3.** Write the date and place of your marriage on the blank lines.
- 4. Children:** If there are children under the age of 18 -- or if the wife is pregnant -- you **cannot use this form**. You should talk to an attorney.
  - a. Check the box if there are no children under the age of 18 who are the children of **both** the husband and the wife.
    - If the husband and wife had children together (born or adopted) before the marriage and the children are under the age of 18, **you cannot use this form**.
    - If the husband and wife had children together (born or adopted) during the marriage and the children are under the age of 18, **you cannot use this form**.

- b. Check the box if there are no children under the age of 18 who were adopted or born while the wife and husband were married.
- If any children under the age of 18 were born or adopted during the marriage, **you can not use this form.** You cannot use this form *even if the husband is not the father.*
- c. Check the box if there are no children 18 years of age or older who are children of both the husband and the wife and who still need support.
- If there are children 18 years of age or older who need support, **you cannot use this form.**
  - Examples:
    - A child is 18 years of age but is still in high school.
    - A child is 18 years of age or older but is in college or disabled and needs support.
- d. Check the box if the wife is not pregnant. **If the wife is pregnant, you cannot use this form.**

- 5.** Check this box if you are not living in Iowa just to get a divorce.
- You cannot get a divorce in Iowa if your spouse does not live in Iowa and you came here just to get a divorce.
  - If you do not live in Iowa, do not check the box.
  - If you do not live in Iowa you can only get a divorce in Iowa if your spouse lives in Iowa.
  - If you have questions about this, talk to an attorney.

- 6.** Fill in the number of years and months you have lived in Iowa.
- If you have always lived in Iowa, count the time since your birth.
  - If you have been a resident of another state, count the time since you last moved to Iowa.
  - If your spouse lives in Iowa, you do not need to live in Iowa.
  - If your spouse does not live in Iowa, and you have lived in Iowa for less than one year, you cannot file for divorce in Iowa.
  - If your spouse does not live in Iowa, you must have lived in Iowa for the last year before you may file a divorce in Iowa.
  - If you have questions about this, **you should talk to an attorney.**

**7. Read a., b., c., and d. carefully.**

- a. If “a” is true, check the box.
- b. If “b” is true, check the box.
- Do not check the box if you and your spouse have a divorce case in Iowa or another state that is still going on.
  - If you or your spouse has filed for divorce anywhere else, explain in **10** on the Petition. **You should also talk to an attorney.**
- c. If “c.” is true, check the box.
- d. If “d.” is true, check the box. If counseling will save the marriage, **do not check the box.**

**8.**

- a. You must check the box if your spouse is in the military.
- There are special rules that may prevent your case from going forward if your spouse is in the military. **You should talk to an attorney.**

- b. You must check the box if your spouse is in prison or in jail.
- A spouse in prison or jail may be entitled to a “guardian ad litem.”
  - A guardian ad litem is an attorney appointed to protect the interests of an incarcerated spouse in some cases.

If your spouse is in prison or jail, state where in **10** on the Petition.

**9.** Check the box if there is now a “no contact” order or a ”protective” order. If you check this box, you must fill in: a. (county and state where the order came from) and b. (court case number).

**10.** If there is anything else you want to tell the court – write it on the blank lines at **10**.

- All the basic information you need to tell the court is listed in **1** through **9** on the Petition.
- You should write something at **10** on the Petition only if you need to explain something.

### **Part E. REQUEST OF THE PETITIONER**

**Important Note:** If you do not know what you want, **talk to an attorney.** Be sure to read “a.” through “f.” carefully. Check only the ones you want the court to consider.

- If you want alimony or attorney fees before the divorce is final, you must file a Motion, form **FL-122.**
- Check box “f.” if you changed your name when you married and you want to change your name back to your former or maiden name. You *cannot* change your name to any name you want. You can change it only to the name you had before you got married.
- Check box “g.” and print a brief statement if there is something else you want. [Example: If you want marriage counseling, write “I want the court to order marriage counseling” on the blank lines in “g.” of part **E.**]

### **Part F. ATTORNEY HELP**

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you *must* fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

### **Part G. OATH AND SIGNATURE**

Fill in all the blank lines in part **G.** Write the address where you want the court and your spouse to send mail to you. This does not have to be your home address.

By signing this form you are stating that the information on this form is true. **The court may punish you if you lie on this form.**

### **Checklist of things you should do after you complete the Petition form:**

- Carefully check your Petition form. Be sure you've answered all questions.
- Make three photocopies of the original Petition.
- Take all four papers (the original and three photocopies) to the district court clerk's office; ask them to time-stamp all four papers.
- File the original Petition at the district court clerk's office.
- Pay the filing fee. Ask the district court clerk how much it will cost. If you cannot afford to pay the filing fee, you may complete and file form **FL-109**: Application and Affidavit to Defer Payment of Costs.
- Serve one copy of the Petition on your spouse or your spouse's attorney. You **must** do this **within 90 days** after you file the Petition with the district court clerk. If you ask a civil process server to serve the copy on your spouse the process server will also need a copy. (For important instructions on how to serve the petition on your spouse, see "*A Guide to Representing Yourself in a Divorce Case in Iowa: For Spouses With No Minor Children*" (Part A).
- Keep a copy for your own records.

**Keep these instructions. Do not file these instructions with the Petition.**

**FL-102** Petition Coversheet for a Dissolution of Marriage With No Minor Children

<p><b>1 NAME &amp; ADDRESS of Petitioner</b></p> <hr/> <p><b>Petitioner's (Your) Name</b></p> <hr/> <p><b>Petitioner's (Your) Street Address</b> <span style="float: right;"><b>City, State, Zip Code</b></span></p> <hr/> <p><b>Petitioner's (Your) Telephone Number:</b> (        ) _____</p>	<p><b>FOR COURT USE ONLY</b></p> <p>CASE NUMBER: _____</p> <p>COUNTY WHERE CASE WAS FILED: _____</p>
<p><b>2 CASE NAME</b></p> <hr/> <p style="text-align: center;"><i>Petitioner (You)</i></p> <p><b>vs.</b></p> <hr/> <p style="text-align: center;"><i>Respondent (Your spouse)</i></p>	

**3 NATURE OF THE CASE:** Check the box to the left of the one case category that most accurately describes your primary case. If you are making more than one type of claim, check the one that involves the largest amount of damages or the one you consider most important.

	LAW: Contract/ Commercial Claim		EQUITY - Domestic Relations		EQUITY - Other
	Debt collection (LA-C1)		Dissolution -- children involved (CD-DC)		Mortgage foreclosure (EQ-EM)
	Employment-related claim (LA-C3)	<input checked="" type="checkbox"/>	<b>Dissolution -- no children (CD-DN)</b>		Other real property claim (EQ-ER)
	Other contract or commercial claim (LA-C9)		Modification -- children involved (CD-MC)		Other equity (EQ-EO)
			Modification -- no children (CD-MN)		
	<b>LAW: Tort - Personal Injury (P.I.)</b>		236 - Domestic abuse (DA-DA)		<b>OTHER CIVIL ACTIONS</b>
	Motor vehicle accident (LA-T2)		234 - Foster care (DR-D1)		Administrative appeal to dist. court (CV-V1)
	Premises liability / slip & fall (LA-T3)		252A -- Support action (DR-D2)		Change of name (CN-CN)
	Malpractice: medical or dental (LA-T1)		252A.18 - Foreign support (DR-D3)		Distress warrant (CV-V2)
	Products liability (toxic chem. / subst.) (LA-T8)		252B.11 - Cost recovery (DR-D4)		Foreign judgment entry (CV-V3 )
	Products liability (not toxic substance) (LA-T4)		252C - Administrative Order (DR-D5 )		Lien (LN - IE, IH, IM or IO)
	Wrongful death (LA-T7)		252D - Income withholding (DR-D6 )		Post conviction relief (PC-PC)
	Other negligent / intentional P.I. (LA-T9)		252E - Medical support (DR-D7)		Seized property / forfeiture (SP-SP)
			252F/ 600B - Paternity (DR-D8)		Transcript of judgment (TJ-TJ)
	<b>LAW: Tort - Other damages (no P.I.)</b>		252K - UFISA (DR-R1)		Other civil action (CV-V9)
	Professional malpractice - no P.I. (LA-T5)		598B - Out of state custody (DR-R2)		<b>FOR COURT USE ONLY</b>
	Fraud / business tort (LA - C2)		600 - Adoption (AT-AT)		
	Other tort - property/financial damages (LA-T6)		Other domestic relations action (DR-D9)		

- \*NOTE TO PETITIONER:**
- Pursuant to 1.301(2) of the Iowa Rules of Civil Procedure, a cover sheet **must** accompany each civil petition except: small claims, probate, or commitment actions.
  - DO NOT SERVE THIS COVER SHEET ON THE RESPONDENT (Your Spouse).**
  - A cover sheet is not required when filing a counterclaim or cross-claim.
  - This cover sheet is for statistical purposes only. It shall have no legal effect in the case.

**Instructions on How to Complete the Petition Coversheet for  
Dissolution of Marriage With No Minor Children (FL-102)**

Do not file or give these instructions to the district court clerk's office.

You must complete the cover sheet and give it to the district court clerk when you file a Petition for Dissolution of Marriage form (FL-101).

**PLEASE PRINT CAREFULLY on the Cover Sheet.**

**1 NAME AND ADDRESS OF PETITIONER**

Print your legal name and the address where you want mail sent to you.

**2 CASE NAME**

Print the names of the Petitioner (you) and Respondent (your spouse) as they appear on the Petition form (FL-101).

**3 NATURE OF THE CASE**

The appropriate box has already been checked for you: "Dissolution – no children" under "Domestic Relations." You do not have to check any other box on this form.

**Do not give a copy of the cover sheet to your spouse.**

**Remember:  
Do not file these instructions with the Cover Sheet.**

**FL-103 CONFIDENTIAL INFORMATION FORM**

**EACH PARTY SHOULD COMPLETE ONE OF THESE FORMS**

**A.** IN THE DISTRICT COURT FOR \_\_\_\_\_ COUNTY, IOWA  
*(County where your case is filed)*

IN RE THE MARRIAGE OF: \_\_\_\_\_ and \_\_\_\_\_  
*(Petitioner's name) (Respondent's name)*

**B.** UPON THE PETITION OF

\_\_\_\_\_  
PETITIONER *(Full name: first, middle, last)*

AND CONCERNING

\_\_\_\_\_  
RESPONDENT *(Full name: first, middle, last)*

<p><b>Equity case number:</b></p> <hr/> <p><b>Confidential Information Form</b> <i>(CLERK STAMPS HERE)</i></p>
--

<b>C.</b> Petitioner's Name:	Petitioner's Social Security Number:

<b>D.</b> Respondent's Name:	Respondent's Social Security Number:

**E.** Information given by: \_\_\_\_\_  
*(Print your full name)*

\_\_\_\_\_  
*(Your signature)* \_\_\_\_\_ *(Date)*

**IMPORTANT NOTICE:**  
**DO NOT GIVE COPIES OF THIS FORM TO ANYONE**  
**EXCEPT THE CLERK OF DISTRICT COURT**

**FL-104 ORIGINAL NOTICE FOR PERSONAL SERVICE**

**PRINT CLEARLY**

**A. IN THE DISTRICT COURT FOR** \_\_\_\_\_ **COUNTY, IOWA**  
*(County where you are filing the Petition)*

IN RE THE MARRIAGE OF: \_\_\_\_\_ and \_\_\_\_\_  
*(Petitioner's name) (Respondent's name)*

**B. UPON THE PETITION OF**

\_\_\_\_\_  
**PETITIONER** *(Full name: first, middle, last)*

**AND CONCERNING**

\_\_\_\_\_  
**RESPONDENT** *(Full name: first, middle, last)*

**Equity case number:**

**Original Notice for  
Personal Service**  
*(CLERK STAMPS HERE)*

**C. TO THE RESPONDENT NAMED ABOVE**

- The Petitioner (your spouse) has filed a divorce lawsuit naming you as the Respondent.
- A copy of the Petition for Dissolution of Marriage is attached to this Notice.
- The Petitioner is not represented by an attorney.

\_\_\_\_\_  
*(Petitioner's name)*

\_\_\_\_\_  
*(Petitioner's address)*

\_\_\_\_\_  
*(Petitioner's phone number)*

\_\_\_\_\_  
*(Petitioner's fax number)*

- You must file an Answer or a Motion with the clerk of district court in the above county within **20 days** after you receive this Original Notice. If you received Petition form **FL-101** you may use Answer form **FL-115**.
- After you file your Answer or Motion you must serve a copy of it on the Petitioner.
- If you do not file an Answer or Motion within **20 days** after receiving this Notice, the court may enter a judgment against you giving the Petitioner what he or she asked for in the Petition.
- If you need help in court due to a disability, immediately call your district ADA coordinator at \_\_\_\_\_. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

*(seal)* Clerk of Court or Designee: \_\_\_\_\_

\_\_\_\_\_ County Courthouse

\_\_\_\_\_, Iowa \_\_\_\_\_  
*(City) (Zip Code)*

**IMPORTANT:**

**YOU (RESPONDENT) SHOULD TALK TO AN ATTORNEY AT ONCE TO PROTECT YOUR INTERESTS.**

**Instructions on How to Give Notice to Your Spouse That You Filed a  
Petition for Dissolution of Marriage With No Minor Children Using Forms  
FL-104, FL-105, and FL-106**

**Do not file or give these instructions to the district court clerk's office.**

**You have 90 days after you file the Petition at the district court clerk's office to serve the Petition on the Respondent (your spouse). If you fail to meet this deadline your dissolution of marriage case will be dismissed.**

- When you file your Petition for Dissolution of Marriage With No Minor Children (FL-101) at the district court clerk's office you must bring with you the Original Notice (FL-104). You must also bring either form FL-105 or FL-106.

You must give your spouse a copy of your Petition (FL-101) and the Original Notice (FL-104). Do this by either:

- Having your spouse say in writing that your spouse has received the papers. (Use form FL-105.)
- OR –
- Having the sheriff or other process server deliver the papers. (Use form FL-106.)

**Note about the 90-day waiting period:**

The 90-day waiting period (to get a divorce decree) begins on one of these dates:

- The date you file an Acceptance of Service form (FL-105) with the district court clerk.
- OR –
- The date the sheriff or other process server delivers an Original Notice (FL-104) to your spouse.

**Contact an attorney if one of these is true:**

- You do not know if you should use these forms – OR –
- You do not understand how to use these forms.

**Court staff cannot give you legal advice.**

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

**If these are the forms you need:**

- Begin at the top of the page on each form. Use the information on the following pages to help you fill in the forms correctly.

**Print clearly when you write information on the forms.**

**It is illegal to sign another person's signature on any court form.**

## How to Fill in the Original Notice form **FL-104**

Parts **A.** and **B.** Fill in parts **A.** and **B.** as they appear on the Petition form (**FL-101**).

### Part **C.** TO THE RESPONDENT NAMED ABOVE

- This information is needed so your spouse can contact you while your divorce case is going on. Fill in: your name; an address where you can receive mail; a phone number (if you have one); and a fax number (if you have one).
- The district court clerk will sign the Original Notice when you file your Petition.

**Directions:** After the clerk of district court signs and stamps this form, *attach* a copy of the Petition (**FL-101**) to the Original Notice for Personal Service (**FL-104**) and deliver them to your spouse yourself – OR – ask the sheriff or other process server to deliver them. For additional directions, see the last page of these instructions.

## How to Fill in the Acceptance of Service form **FL-105**

Parts **A.** and **B.** Fill in parts **A.** and **B.** as they appear on the Petition form (**FL-101**).

Part **C.** Respondent must sign and date this part. Respondent must also give a mailing address, phone number, and fax number (if any).

**Important:** File **FL-105** at the district court clerk's office soon after the Respondent (your spouse) signs it.

## How to Fill in the Directions for Service of Original Notice form **FL-106**

Part **A.** Fill in the county where the Petition is filed and the "Equity case number." You can find these on the Petition form (**FL-101**).

Part **B.** Decide who will deliver the Original Notice (**FL-104**) and Petition (**FL-101**) to your spouse. Check either the "Sheriff" – OR – "Other Process Server." Fill in the name and address of the sheriff or other process server *in the county where your spouse is to be served*. This is the county where your spouse lives or works.

Part **C.** Fill in your spouse's name. Write the address where you want the sheriff or other process server to deliver the papers to your spouse.

Part **D.** Fill in your name and the address where you wish to receive mail.

Part **E.** If you have information that will help the sheriff or process server, print this on the lines in this section. For example:

- If you write your spouse's work address in part **C.** of **FL-106**, you should put the hours your spouse is at work on the lines in part **E.**
- If you write your spouse's home address in part **C.** of **FL-106**, you should put the hours your spouse is usually at home on the lines in part **E.**

- Part F.** You must pay the costs for service to the sheriff or other process server.
- If you cannot afford the costs, you should file form **FL-109**: Application and Affidavit to Defer Payment of Costs. If the court approves your Application, then check the second box (Deferred by Court Order). Ask the district court clerk to sign it.

**Part G.** Date the form and sign it.

**Things you should do after you complete these forms:**

- Carefully check your forms. Be sure you've answered all the questions.
- For additional instructions on what to do with these forms, see *A Guide for Representing Yourself in a Divorce Case in Iowa: For Spouses With No Minor Children* (Part A).
- Keep one copy of each form for your own records.

**Remember: Do not file these instructions with the forms.**

**FL-105 ACCEPTANCE OF SERVICE**

**PRINT CLEARLY**

**A.** IN THE DISTRICT COURT FOR \_\_\_\_\_ COUNTY, IOWA  
*(County where you are filing the Petition)*

IN RE THE MARRIAGE OF: \_\_\_\_\_ and \_\_\_\_\_  
*(Petitioner's name) (Respondent's name)*

**B.** UPON THE PETITION OF

\_\_\_\_\_  
**PETITIONER** *(Full name: first, middle, last)*

AND CONCERNING

\_\_\_\_\_  
**RESPONDENT** *(Full name: first, middle, last)*

**Equity case number:**

\_\_\_\_\_  
**Acceptance of Service**  
*(CLERK STAMPS HERE)*

**C. RESPONDENT'S ACCEPTANCE OF SERVICE, OATH, AND SIGNATURE**

I am the Respondent in this case. I received a copy of the Original Notice and the Petition for this case. I have read this Acceptance of Service. I certify, as required by Iowa law and under penalty of perjury, that the information I have provided is true and correct.

\_\_\_\_\_, 20\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Respondent's signature - Required)*

\_\_\_\_\_  
*(Respondent's mailing address)*

\_\_\_\_\_  
*(City)*

\_\_\_\_\_  
*(State)*

\_\_\_\_\_  
*(Zip Code)*

\_\_\_\_\_  
*(Phone number, if available)*

\_\_\_\_\_  
*(Fax number, if available)*

**NOTICE TO RESPONDENT:**

**By signing this you are not agreeing to what the Petitioner wants. You are only agreeing that you received a copy of the Original Notice and Petition.**



**FL-107 MOTION AND AFFIDAVIT TO SERVE BY PUBLICATION**

**PRINT CLEARLY**

**A. IN THE DISTRICT COURT FOR** \_\_\_\_\_ **COUNTY, IOWA**  
*(County where you filed the Petition)*

**IN RE THE MARRIAGE OF:** \_\_\_\_\_ and \_\_\_\_\_  
*(Petitioner's name) (Respondent's name)*

**B. UPON THE PETITION OF**

\_\_\_\_\_  
**PETITIONER** *(Full name: first, middle, last)*

**AND CONCERNING**

\_\_\_\_\_  
**RESPONDENT** *(Full name: first, middle, last)*

**Equity case number:**

\_\_\_\_\_  
**Motion and Affidavit  
To Serve by Publication**  
*(CLERK STAMPS HERE)*

**C. INFORMATION AND REQUEST**

1. *Check all that apply:*

- Respondent lives outside of Iowa;
- Respondent's residence and place of employment are unknown.

2. Respondent's last known residence:

\_\_\_\_\_  
*(Street address) (City) (State) (Zip code)*

3. Date Respondent was last at the above address: \_\_\_\_\_,  
*(Month and day) (Year)*

4. Petitioner has taken these steps to find the Respondent:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Petitioner will publish notice in this newspaper: \_\_\_\_\_  
*(Name of newspaper)*

6. **THEREFORE**, the Petitioner asks the court to allow Petitioner to serve the Respondent by publication because the Respondent cannot be personally served.



**FL-108 ORIGINAL NOTICE BY PUBLICATION**

**A.** IN THE DISTRICT COURT FOR \_\_\_\_\_ COUNTY, IOWA  
(County where you filed the Petition)

IN RE THE MARRIAGE OF: \_\_\_\_\_ and \_\_\_\_\_  
(Petitioner's name) (Respondent's name)

**B.** UPON THE PETITION OF

\_\_\_\_\_  
PETITIONER (Full name: first, middle, last)

AND CONCERNING

\_\_\_\_\_  
RESPONDENT (Full name: first, middle, last)

Equity case number:

Original Notice by Publication  
(CLERK STAMPS HERE)

**C. INFORMATION FOR THE RESPONDENT NAMED ABOVE**

- The Petitioner (your spouse) has filed a lawsuit naming you as the Respondent.
- The Petitioner asks for a divorce.
- Petitioner's contact information: (Name): \_\_\_\_\_

\_\_\_\_\_  
(Street address)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip code

\_\_\_\_\_  
(Phone number)

\_\_\_\_\_  
(Fax number, if any)

**D. INSTRUCTIONS TO THE RESPONDENT NAMED ABOVE**

1. **Deadline for filing a response:** You must file an Answer or a Motion with the district court clerk in the above county within **20 days** after \_\_\_\_\_, 20\_\_\_\_\_.

2. Original Notice. If you received Petition form **FL-101** you may use Answer form **FL-115**.

3. After you file your Answer or Motion, you must serve a copy of it on the Petitioner by mail or in-person.

4. If you do not file an Answer or Motion at the district court clerk's office within **20 days** after receiving this Notice, the **court may enter a judgment against you** granting the Petitioner's requests in the Petition.

5. If you need assistance to participate in court due to a disability, immediately call your district ADA coordinator at \_\_\_\_\_. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

(Seal) District Court Clerk or Designee: \_\_\_\_\_

\_\_\_\_\_  
County Courthouse

\_\_\_\_\_, Iowa \_\_\_\_\_  
(City) (Zip Code)

**IMPORTANT:**

**RESPONDENT: YOU SHOULD TALK TO AN ATTORNEY AT ONCE TO PROTECT YOUR INTERESTS.**

## **Instructions on How to Give Notice to Your Spouse by Publication: Forms **FL-107** and **FL-108****

**Do not file these instructions at the district court clerk's office.**

**Use **FL-107** to ask the court for permission to serve an Original Notice by Publication if:**

- You filed a Petition for Dissolution of Marriage With No Minor Children (**FL-101**) and you still need to deliver a Notice to your spouse that you filed for divorce – AND –
- You tried several ways to locate your spouse, but could not find where your spouse lives or works.

**If you file a **FL-107** and a judge signs an Order giving you permission to serve an Original Notice by Publication:**

- The Original Notice by Publication (**FL-108**) must be published one time each week for three weeks in a newspaper that is generally circulated or sold in the county where your Petition is filed.

**90-day waiting period:**

- The 90-day waiting period (to get a divorce Decree signed by a judge) begins 20 days **after** the last date that the Original Notice by Publication (**FL-108**) is published in the newspaper.

**Contact an attorney if one of these is true:**

- You do not know if you should use these forms – OR –
- You do not understand how to use these forms.

**Court staff cannot give you legal advice.**

- They cannot tell you if you should use these forms or how to use them. They also cannot tell you which boxes to check or what information to write on the forms.

**If these are the forms you need:**

- Begin at the top of the page on each form. Use the information on the following pages to help you fill in the forms correctly.

**Print clearly when you write information on the forms.**

## Instructions for the Motion and Affidavit to Serve by Publication (FL-107)

**Before you begin to fill in form FL-107**, you must *contact a newspaper* that is generally distributed or circulated throughout the county where you filed the Petition:

- Ask if the newspaper is generally distributed throughout the county where you filed the Petition.
- Ask if they will publish your Notice by Publication (FL-108) in your divorce case.
- Tell them you need to publish the Notice once each week for three weeks in a row.
- If they can publish your Notice three weeks in a row, ask how much it will cost.
- Tell them you will call them back to arrange for publishing your Notice after a judge gives you permission to publish your Notice in their newspaper.

Now you can begin to fill in form **FL-107**:

**Parts A.** and **B.** Fill in these parts as they appear on the Petition form (FL-101).

### **Part C. INFORMATION AND REQUEST**

1. Check the boxes that apply to your spouse.
2. Fill in the last address you have for the respondent.
3. Write the date when you last knew the address of the Respondent.
4. Tell the court what steps you took to find the Respondent.
5. Write the name of the *newspaper* you will use to publish your Notice (see above)
6. This is your request; you do not have to write or check anything on this line.

### **Part D. ATTORNEY HELP**

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

### **Part E. OATH AND SIGNATURE**

- Sign the form and write in the date.

### **NEXT STEPS**

- Make two photocopies of the form.
- Take the original and both copies to the district court clerk's office.
- The clerk at the counter will time-stamp the original and photocopies.
- The clerk will keep the original and give the copies back to you.
- Mail one copy of the form to your spouse's last-known address.
- Keep one copy for your records.
- The clerk of district court will tell you or mail you a notice with the date and time of the hearing on your Motion and Affidavit (FL-107).
- You must attend the hearing; bring the Motion and Affidavit with you.
- If the judge signs an order giving you permission to publish your Notice in the newspaper, you may begin to fill out form **FL-108**, the Original Notice by Publication.

## Instructions for the Original Notice by Publication (FL-108)

**Before you begin to fill in form FL-108** -- contact the newspaper again:

- Tell them you need to publish the Notice (FL-108) once each week for three weeks in a row.
- Ask them for the next three dates (one each week) when they can publish your Notice.
- *Write down the dates – especially the third (last) date of publication.*

**Now you can begin to fill in your Original Notice by Publication (FL-108):**

**Parts A. and B.** Fill in these parts as they appear on the Petition form (FL-101).

**Part C. INFORMATION FOR THE RESPONDENT NAMED ABOVE**

- Fill in your name. You must provide a phone number (if available) and an address where you can receive mail. You must also provide a fax number if you have one.
- This is where or how your spouse will contact you during the lawsuit.

**Part D. INSTRUCTIONS TO THE RESPONDENT NAMED ABOVE**

1. *Deadline for filing a response:* Fill in the correct date in this blank.
  - Take the last (third) date of publication that you got from the newspaper (See above: *“Before you begin to fill in form FL-108.”*
  - For example: If the third date of publication is the 10<sup>th</sup> of August – write in “August 10” -- and the year – in the blank space.
- 2, 3., and 4. You do not need to write anything in for these items.
5. The district court clerk will fill in the phone number for the ADA coordinator in # 5.

**NEXT STEPS FOR THE PETITIONER**

- Make a photocopy of the Original Notice by Publication (FL-108).
- Take both the original and the photocopy to the district court clerk’s office.
- Ask the clerk at the counter to: (1) fill in the phone number of the ADA coordinator in # 5 in part **D.** on the original form, and (2) sign the original form.
- Make two photocopies of the form.
- Take the Original Notice by Publication (FL-108), the one signed by the district court clerk, to the newspaper you contacted earlier.
- Tell the newspaper staff to publish the Original Notice by Publication (FL-108) once each week for three weeks.
- *You will need to pre-pay the newspaper to publish the Notice.*
- After you take the Notice to the newspaper, promptly mail a copy of FL-108 and FL-101 to the Respondent at his/her last-known mailing address.
- After the newspaper publishes the Notice for last (third) time, they will send you a paper that provides “proof of publication.”
- When you receive the proof of publication paper from the newspaper, make a photocopy of it for your records – and take the original copy to the district court clerk’s office.
- This completes your Service of the Original Notice.

**FL-109 APPLICATION AND AFFIDAVIT TO DEFER PAYMENT OF COSTS**

**PRINT CLEARLY**

**A. IN THE DISTRICT COURT FOR** \_\_\_\_\_ **COUNTY, IOWA**  
*(County where your case is filed)*

**B. NAMES**

\_\_\_\_\_  
**PETITIONER** *(Full name: first, middle, last)*

\_\_\_\_\_  
**RESPONDENT** *(Full name: first, middle, last)*

**Equity case number:**

\_\_\_\_\_  
**Application and Affidavit to  
Defer Payment of Costs**  
*(CLERK STAMPS HERE)*

**C. REQUEST**

**1.** I am the *(Check one):*

- a.  Petitioner
- b.  Respondent

**2.** *(Check all that apply):*

- a.  I am unable to pay the filing fee or service costs or other court costs.
- b.  I ask the Court for permission to proceed without prepayment of costs and fees.
- c.  I am filing this application and affidavit in good faith.
- d.  I believe I am entitled to what I am asking for in this case.

**D. FINANCIAL INFORMATION**

**3.** Number of people living in my household: \_\_\_\_\_

**4.** My household income is \$\_\_\_\_\_ per month.  
*(Put the amount of all income and benefits before deductions.)*

**5.** List where your household income comes from (examples: employer or benefits such as unemployment, Title 19, FIP) \_\_\_\_\_  
\_\_\_\_\_

**6.** My household has the following monthly expenses:

- a. Rent or mortgage      \$ \_\_\_\_\_
- b. Utilities                      \$ \_\_\_\_\_
- c. Telephone                      \$ \_\_\_\_\_
- d. Food                              \$ \_\_\_\_\_
- e. Transportation              \$ \_\_\_\_\_

**7.** I have \$ \_\_\_\_\_ in cash, checking and savings.

**E. ATTORNEY HELP**

- Check one: a.  An attorney did not help me prepare or fill in this paper.  
b.  An attorney helped me prepare or fill in this paper. (If you check b., you must fill in the following information):

_____	_____
(Name of attorney or organization, if any)	(Attorney's P.I.N. # -- Ask the attorney)
_____	_____
(Business address of attorney or organization)	(City) (State) (Zip code)
(_____) _____	(_____) _____
(Attorney's phone number – required)	(Attorney's fax number, if there is one)

**F. OATH AND SIGNATURE**

I, \_\_\_\_\_ have read the above Application and  
(Print your name)  
Affidavit. I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the information I have provided in this Petition is true and correct and that I gave or mailed a copy of this document to the other party or the other party's attorney (if any) on:  
(Date): \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Your signature)

## **Instructions on How to Complete an Application and Affidavit to Defer Payment of Costs (FL-109)**

**Do not file or give these instructions to the district court clerk's office.**

**Use this form if you cannot afford to pay the fees to file your Petition.**

**You do not need to file this form if the court is not asking you to pay something.**

- Use this to ask to the court to let you file the case without prepaying costs or fees.
  - This includes the filing fee (\$100) and the cost of serving the papers.
  - You may have to pay the costs later.
- You may need to provide proof of your income and assets and your expenses.
- Costs and fees paid to someone other than the court or sheriff are **not waived**. For example, you may have to pay to publish a legal notice in the newspaper or hire an expert to testify.
- Use this form if your income is low and you do not have the money to pay the costs and fees.
- Use this form if it would cause you to suffer a hardship if you had to pay the costs and fees.
- If you are the respondent in the case you do not have to pay costs to file your answer.

**Contact an attorney if one of these is true:**

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

**Court staff cannot give you legal advice.**

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

**If this is the form you need:**

- Begin at the top of page 1 on the Application and fill in the information. Use the information on the following pages to help you fill in the form correctly.

**Print clearly when you write information on form **FL-109****

## How to Fill in Form **FL-109**

### **Part A. IN THE DISTRICT COURT**

- On the first line print the name of the county where your divorce case is filed.
- Normally a case is filed in the county where you live.
- If you live in another state and the other party lives in Iowa, print the name of the Iowa county where the other person lives.

### **Part B. NAMES**

- The “Petitioner” is the spouse who files the Petition for Dissolution of Marriage (divorce).
- The “Respondent” is the other spouse involved in the divorce.
- Print the full name for both Petitioner and Respondent: first, middle and last.
- Use the full names you have now.
- In the box on the right side of this section, write in the “Equity case number” for your case. It appears in this same location on the Petition form (**FL-101**). If you are not sure of the case number, you may ask the district court clerk.
- Do not write anything below the words: “Clerk Stamps Here.” The district court clerks will put a time-stamp in this space.

### **Part C. REQUEST**

- 1.** If you are the person who filed the case, check the box for Petitioner.  
If your spouse filed the case against you, check the box for Respondent.
- 2.** Read a., b., c., and d. -- and check all these boxes if they are true.

### **Part D. INFORMATION**

**You may be required to provide proof of all income and expenses to the court.**

- 3.** Number of people in your household.
  - Write the number of all people living in your household, including you, all children, and any other adults.
- 4.** Household income:
  - You must write the total income received by all members of your household.
    - Print the gross amount of income. Gross income is the income before any deductions such as taxes, insurance, or child support are taken out.
  - You must include **all** income even if you think it is “exempt” or does not count for some reason. The court will decide if the income should be counted.

- 5.** Write the source of your income. The sources might be:  
Wages or salary, unemployment benefits, worker's compensation, SSI, Social Security disability, pension or Social Security retirement, Title XIX, FIP, any other money coming into your household.
- 6.** Expenses:  
On the blanks next to each kind of expense, write the amount you pay each month for that item.
- 7.** Write the total amount you have when you add your cash and money in bank accounts.

### **Part E. ATTORNEY HELP**

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

### **Part F. OATH AND SIGNATURE**

By signing form **FL-109** you are stating that the information is true. The court may punish you if you lie on the form.

## **Checklist of things you should do after you complete the Application and Affidavit form:**

- Carefully check your Application and Affidavit form. Be sure you've answered all questions.
- Make two photocopies of the original Application and Affidavit.
- Take all three copies to the district court clerk's office; ask them to time-stamp all three copies
- File the original Application and Affidavit at the district court clerk's office.
- Deliver one copy to your spouse (by mail or in-person).
- Keep the other copy for your own records.

### **Remember:**

**Keep these instructions. Do not file these instructions with the Application.**

**FL-122 MOTION**

**PRINT CLEARLY**

**A. IN THE DISTRICT COURT FOR** \_\_\_\_\_ **COUNTY, IOWA**  
*(County where your case is filed)*

**B. NAMES**

\_\_\_\_\_  
**PETITIONER** *(Full name: first, middle, last)*

**VS.**

\_\_\_\_\_  
**RESPONDENT** *(Full name: first, middle, last)*

**Equity case number:**

\_\_\_\_\_  
**Motion**  
*(CLERK STAMPS HERE)*

**C. REQUEST**

1. I am the *(check one)*:  Petitioner /  Respondent

2. I ask the court to *(check all that apply)*:

- a.  Change the hearing date that has been set for \_\_\_\_\_, 20\_\_\_\_.
- b.  Award me temporary financial support. *(Month & day)* *(Year)*
- c.  Order counseling (conciliation).
- d.  Set a hearing date for a divorce Decree by default.
- e.  Shorten the 90-day waiting period for getting a divorce Decree.
- f.  Other request *(explain)*: \_\_\_\_\_

3. I am making this request(s) because: \_\_\_\_\_

**D. ATTORNEY HELP**

*Check one:* a.  An attorney did not help me prepare or fill in this paper.  
b.  An attorney helped me prepare or fill in this paper. *(If you check b., you must fill in the following information):*

\_\_\_\_\_  
*(Name of attorney or organization, if any)* *(Attorney's P.I.N. # -- Ask the attorney)*

\_\_\_\_\_  
*(Business address of attorney or organization)* *(City)* *(State)* *(Zip code)*

(\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
*(Attorney's phone number – required)* *(Attorney's fax number, if there is one)*

**E. CERTIFICATION AND SIGNATURE**

I ask this court to grant my Motion. I also certify that I mailed or gave a copy of this Motion to the other party or the other party's attorney (if any) on \_\_\_\_\_, 20\_\_\_\_.  
*(Month & day)* *(Year)*

Your signature *( Required)*: \_\_\_\_\_

# Instructions On How to Complete a Motion Form (FL-122)

## When to use form FL-122

- If you want to ask the court to do something after your court case has already started, you must do this by filing a Motion.

**Do not file or give these instructions to the district court clerk's office.**

## Contact an attorney if one of these is true:

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

## Court staff cannot give you legal advice

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

## If this is the form you need:

- Begin at the top of page 1 on the Motion and fill in the information. Use the information on the following page to help you fill in the form correctly.

**Print clearly when you write information on form FL-122**

**Continued on the next page**

## How to Fill in a Motion Form (FL-122)

### Part A. IN THE DISTRICT COURT

- On the first blank print the name of the county where the case was filed.

### Part B. UPON THE PETITION OF

- Enter the names of the Petitioner and Respondent as they appear on the Petition form (FL-101).
- Write in the court's "Equity case number" for your divorce case. It appears in this same location on the Petition form (FL-101). If you are not sure of the case number, you may ask the district court clerk.
- The district court clerk will stamp the date your motion is filed in the box that says "CLERK STAMPS HERE."

### Part C. REQUEST

1. Check the box that tells the court which person you are. If you filed the Petition, you are the Petitioner. If your spouse filed the Petition, you are the Respondent.
2. Check the box or boxes that tell the court what you want. If you check any box, you must tell the court why you are making this request. Write your reason on the blank lines.

### Part D. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

### Part E. CERTIFICATION AND SIGNATURE

Fill in the date you mailed or gave a copy of the Motion to the other party (your spouse), and sign the form at the bottom.

#### Checklist of things you should do after you complete the Motion form:

- Carefully check your Motion form. Be sure you've answered all questions.
- Make two photocopies of the original Motion.
- Take the original and the copies to the district court clerk's office; ask them to time-stamp all three.
- File the original Motion at the district court clerk's office.
- Deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.
- Keep the other copy for your own records.

**Keep these instructions! Do not file these instructions with the Motion.**



## **Instructions On How to Complete a Response to a Motion (FL-123)**

### **When to use form FL-123**

- If your spouse has filed a Motion (probably using FL-122) and you disagree with what your spouse is asking the court to do in that Motion.

**Do not file or give these instructions to the district court clerk's office.**

### **Contact an attorney if one of these is true:**

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

### **Court staff cannot give you legal advice**

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

### **If this is the form you need:**

- Begin at the top of page 1 on the Response to a Motion and fill in the information. Use the information on the following page to help you fill in the form correctly.

### **Print clearly when you write information on form FL-123**

**Continued on the next page**

## How to Fill in a Response to a Motion (FL-123)

### Part A. IN THE DISTRICT COURT

- On the first blank print the name of the county where the case was filed.

### Part B. UPON THE PETITION OF

- Enter the names of the Petitioner and Respondent as they appear on the Petition form (FL-101).
- In the box on the right, write in the court's "Equity case number" for your divorce case. It appears in this same location on the Petition form (FL-101). If you are not sure of the case number, you may ask the district court clerk.
- The district court clerk will stamp the date your motion is filed in the box that says "CLERK STAMPS HERE."

### Part C. OPPOSITION TO REQUEST

1. Check the box that tells the court which person you are. If you filed the Petition, you are the Petitioner. If the other side filed the Petition, you are the Respondent.
2. Fill in the date that your spouse filed the Motion (probably form FL-122); use the date that is stamped in the box that says: "CLERK STAMPS HERE."
3. Check the box or boxes that match the request(s) in your spouse's Motion that you disagree with.
4. Write in an explanation for why you oppose the requests your spouse made in the Motion (FL-122).

### Part D. ATTORNEY HELP

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you *must* fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

### Part E. CERTIFICATION AND SIGNATURE

Fill in the date you mailed or gave a copy of form FL-123 to the other party. Sign the form at the bottom.

#### Checklist of things you should do after you complete form FL-123:

- Carefully check your Response to a Motion form. Be sure you've answered all the questions.
- Make two photocopies of the original Response to a Motion form.
- Take the original and the copies to the district court clerk's office; ask them to time-stamp all three.
- File the original Response to a Motion at the district court clerk's office.
- Deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.
- Keep the other copy for your own records.

**FINANCIAL AFFIDAVIT FOR DISSOLUTION OF MARRIAGE WITH NO MINOR CHILDREN**

**PRINT CLEARLY**

**A.** IN THE DISTRICT COURT FOR \_\_\_\_\_ COUNTY, IOWA  
*(County where your case is filed)*

IN RE THE MARRIAGE OF: \_\_\_\_\_ and \_\_\_\_\_  
*(Petitioner's name) (Respondent's name)*

**B.** UPON THE PETITION OF

\_\_\_\_\_  
PETITIONER *(Full name: first, middle, last)*

AND CONCERNING

\_\_\_\_\_  
RESPONDENT *(Full name: first, middle, last)*

**Equity case number:**  
\_\_\_\_\_  
**Financial Affidavit for  
Dissolution of Marriage  
With No Minor Children  
(CLERK STAMPS HERE)**

**C.** Financial Statement of *(check the one that applies to you):*

- Petitioner
- Respondent

I, \_\_\_\_\_, state that this is a true and complete statement  
*(Print your name)*  
of my assets, debts, and present income on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
*Month Year*

**D. ASSETS**

**ASSETS:** Things you and your spouse own. *(You may add extra sheets if needed.)*

\*Owner (Whose name is on the deed or title?): **H** = Husband    **W** = Wife    **J** = Joint (Both)

Type of Assets	Owner* <i>(H, W, J)</i>	Market Value <i>(What it would sell for)</i>	Debt <i>(Total amount you still owe on it)</i> <b>and to Whom Owed</b>	Net Value <i>(Market value minus debt owed)</i>
<b>1.</b> Real estate Homestead (address)		\$	\$	\$
Other real estate (address):		\$	\$	\$

**ASSETS --- Continued**

\*Owner (Whose name is on the car/vehicle title?): **H** = Husband    **W** = Wife    **J** = Joint (Both)

<b>2. Vehicles</b> (Make, year):	<b>Owner*</b> (H, W, J)	<b>Market Value</b> (What it would sell for)	<b>Debt</b> (Total amount you still owe on it and to Whom Owed)	<b>Net Value</b> (Market value minus debt owed)
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

\*Owner (Whose name is on the stocks or bonds?): **H** = Husband    **W** = Wife    **J** = Joint (Both)

<b>3. Securities / Stocks &amp; bonds</b> (Company name):	<b>Owner*</b> (H, W, J)	<b>Market Value</b> (What it would sell for)	<b>Debt</b> (Total amount you still owe on it and to Whom Owed)	<b>Net Value</b> (Market value minus debt owed)
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

\*Owner (Whose name is on the policy?): **H** = Husband    **W** = Wife    **J** = Joint (Both)

<b>4. Life Insurance</b> (Company name):	<b>Owner*</b> (H, W, J)	<b>Cash Value</b> (Not death benefit)	<b>Loan from Cash Value</b> (Total amount still owed on loan)	<b>Net Value</b> (Cash value minus loan owed)
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

\*Owner (Whose name is on the bank/credit union account?): **H** = Husband    **W** = Wife    **J** = Joint (Both)

<b>5. Checking &amp; Savings Accounts</b> (Bank or credit union name):	<b>Owner*</b> (H, W, J)	<b>Cash Value</b>	<b>Personal loans or overdraft accounts</b> (Total amount you still owe on it)	<b>Net Value</b> (Cash value minus loan/overdraft owed)
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

**ASSETS --- Continued**

\*Owner: **H** = Husband      **W** = Wife      **J** = Joint (Both)

<b>6. Household Contents</b>	<b>Owner*</b> (H, W, J)	<b>Market Value</b> (What it would sell for)	<b>Debt</b> (Total amount you still owe on it) <b>and to Whom Owed</b>	<b>Net Value</b> (Market value minus debt owed)
Furniture		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
Appliances/Electronics		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
Other (write in):		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

\*Owner (Whose name is on the retirement account?): **H** = Husband      **W** = Wife      **J** = Joint (Both)

<b>7 Retirement Assets</b> (Examples: Pensions, IRAs, 401(k)s, Annuities, etc.)	<b>Owner*</b> (H, W, J)	<b>Market Value</b> (What it would sell for)	<b>Loans from Retirement Account</b> <b>and to Whom Owed</b> (Total amount you still owe on it)	<b>Net Value</b> (Market value minus loan owed)
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

\*Owner: **H** = Husband      **W** = Wife      **J** = Joint (Both)

<b>8. Other Assets – List:</b>	<b>Owner*</b> (H, W, J)	<b>Market Value</b> (What it would sell for)	<b>Debt and to Whom Owed</b> (Total amount you still owe on it)	<b>Net Value</b> (Market value minus debt owed)
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
<b>9. Total Net Value of Assets</b>				<b>\$</b>

<b>E. OTHER DEBTS</b>
-----------------------

**10. Other Debts** (List only those not included as “debt” or “loans” under “Assets” in part **D.**)

\*Whose debt is it? *H = Husband W = Wife J = Joint* (Both)

Name of Person or Business You and/or Your Spouse Owe	Whose debt?*( <i>H, W, J</i> )	Amount owed
a.		\$
b.		\$
c.		\$
d.		\$
e.		\$
f.		\$
g.		\$
h.		\$
i.		\$
j.		\$
k.		\$
l.		\$
m.		\$
n.		\$
o.		\$

p.  Check this box if you have attached a sheet with additional information on other debts.

<b>11. Total Other Debts</b> ( <i>including amounts shown on attached sheet, if any.</i> )	\$
--	----

**F. INCOME****12. Current Income for Wife**

\*How often paid: *W = Weekly B = Bi-weekly (Every other week) M = Monthly T = Two times a month*

<b>Sources of Income:</b>	<b>How often paid? (W, B, M, T)*</b>	<b>Gross Amount (Before deductions)</b>
a. Wages from employer ( <i>name</i> ):		\$
b. Wages from employer ( <i>name</i> ):		\$
c. Unemployment assistance		\$
d. Family Investment Program		\$
e. Social Security		\$
f. Other ( <i>identify</i> ):		\$
g. Other ( <i>identify</i> ):		\$
h. Other ( <i>identify</i> ):		\$

i.  Check this box if you have attached a sheet with additional information on the Wife's income.

**13. Deductions taken from Wife's income**

\*How often taken: *W = Weekly B = Bi-weekly (Every other week) M = Monthly T = Two times a month*

<b>Income deduction taken from:</b>	<b>Deduction for: (Federal tax, state tax etc.)</b>	<b>How often taken? (W, B, M, T)*</b>	<b>Amount of deduction:</b>
a. Wages from employer ( <i>name</i> ):			\$
b. Wages from employer ( <i>name</i> ):			\$
c. Unemployment assistance			\$
d. Family Investment Program			\$
e. Social Security			\$
f. Other ( <i>identify</i> ):			\$
g. Other ( <i>identify</i> ):			\$
h. Other ( <i>identify</i> ):			\$

i.  Check this box if you have attached a sheet with additional information on the Wife's deductions.

**14. Current Income for Husband**

\*How often paid: *W* = Weekly    *B* = Bi-weekly (Every other week)    *M* = Monthly    *T* = Two times a month

Sources of Income:	How often paid? (W, B, M, T)*	Gross Amount (Before deductions)
a. Wages from employer (name):		\$
b. Wages from employer (name):		\$
c. Unemployment assistance		\$
d. Family Investment Program		\$
e. Social Security		\$
f. Other (identify):		\$
g. Other (identify):		\$
h. Other (identify):		\$

i.  Check this box if you have attached a sheet with additional information on the Husband's income.

**15. Deductions taken from Husband's income:**

\*How often taken out: *W* = Weekly    *B* = Every other week    *M* = Monthly    *T* = Two times a month

Income deduction taken from:	Deduction for: (Federal tax, state tax etc.)	How often taken? (W, B, M, T)*	Amount of deduction:
a. Wages from employer (name):			\$
b. Wages from employer (name):			\$
c. Unemployment assistance			\$
d. Family Investment Program			\$
e. Social Security			\$
f. Other (identify):			\$
g. Other (identify):			\$
h. Other (identify):			\$

i.  Check this box if you have attached a sheet with additional information on the Husband's deductions.

**G. EXPENSES****16. Living Arrangements** (*check one*)

- My spouse and I live in the same home.  
 My spouse and I do not live in the same home.

**17. My Expenses:** (Note: You must complete this section if you or your spouse wants alimony.)

\*How often paid: *W=Weekly B=Bi-weekly (every other week) M = Monthly*  
*T = Two times a month A=Annually*

Type of Expense	Owed to:	How often paid (W, B, M, T, A)*	Monthly Amount
a. House payment or rent			\$
b. Food ( <i>at home &amp; restaurants</i> )			\$
c. Transportation (gas, bus fare) <i>(not car loan payments – see l.)</i>			\$
d. Clothing			\$
e. Medical, dental <i>(not insurance payments, see j)</i>			\$
f. Utilities ( <i>gas, electric</i> )			\$
g. Telephone/cell phone			\$
h. Cable/satellite television			\$
i. Car insurance payment			\$
j. Health insurance payment			\$
k. Credit card payments			\$
l. Car loan payments			\$
m. Other loan payments			\$
n. Other expense ( <i>identify</i> ):			\$
o. Other expense ( <i>identify</i> ):			\$



**Instructions On How to Complete a Financial Affidavit  
For a Dissolution of Marriage With No Minor Children (FL-124)**

**Keep these instructions. Do not file these instructions with the district court clerk's office.**

**Each party (Petitioner and Respondent) in a Dissolution of Marriage (divorce) case must complete his or her own Financial Affidavit form (FL-124)**

**Contact an attorney if one of these is true:**

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

**Court staff cannot give you legal advice.**

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

**If this is the form you need:**

- Begin at the top of page 1 on the Affidavit and fill in the information. Use the information on the following pages to help you fill in the form correctly.

**Remember:**

**Do not file these instructions with the Financial Affidavit.**

## How to Fill in Form **FL-124**

**Parts A.** and **B.** Fill in the blanks as they appear on the Petition form (**FL-101**).

### **Part C. FINANCIAL STATEMENT OF**

- You are the Petitioner if you filed the Petition for Dissolution of Marriage (divorce).
- You are the Respondent if your spouse filed the Petition and served it on you.
- Print your full name.

### **Part D. ASSETS**

- Assets are things you or your spouse own. (See how “owner” is defined below.)
- You must list all of your assets in this section.
- Be as accurate as you can.
- If you do not have enough room on the form, you may write the rest of the information on another sheet and attach it to the form.
- If you use another sheet, write the information in the same way it was asked on the form.

**Type of Asset:** Write the name or a description of the asset here.

**Owner:** “Owner” means the person who has his or her name on the deed (for real estate), title (for vehicles), policy (for insurance), or account (for banks and credit unions). Write in the letter that represents the person who owns this asset.

- Write H if the husband owns it.
- Write W if the wife owns it.
- Write J (for joint ownership) if both the husband and the wife own the asset together.

**Market Value:** This is how much the asset is worth if you are selling it today.

**Debt:** This is the money you owe on the asset, sometimes called a lien, mortgage, loan, or security interest.

- If you have a loan -- such as a car loan -- put the total amount you owe (the balance) here. Do *not* write in your *monthly payment*. (You can write in your monthly payments on loans or credit cards under “My Expenses,” in part **G.** 17.)

**Net Value** – If you subtract the amount you owe (the debt) from the price you could sell the asset for today (market or cash value), what is left is the net value.

#### **1. Real Estate**

- In the first row, “Homestead” means the home you own and where you usually live.
- In the “Other real estate” row, list all houses, apartments or land you own.
- The “owner” is the person or persons who have their names on the deed.
- “Net value” is the “market value” (column 3) minus the “debt owed” (column 4).

## **2. Vehicles**

- List all cars, trucks, motorcycles or other motorized vehicles that you and/or your spouse own.
- The “make” means the manufacturer. For example: Chevrolet, Ford, Dodge, or Toyota.
- The “owner” is the person who has his or her name on the car title.
- “Net value” is the “market value” (column 3) minus the “debt owed” (column 4).

## **3. Securities**

- List stocks, bonds, and brokerage accounts.
- The “owner” is the person who has his or her name on the stocks or bonds.
- “Net value” is the “market value” (column 3) minus the “debt owed” (column 4).

## **4. Life Insurance**

- List all life insurance policies.
- The cash value of a policy is the money you would get back if you cancelled the policy. If you have a loan on the policy, list it as a “Loan from Cash Value” in the fourth column.
- The “owner” is the person who has his or her name on the policy.
- “Net value” is the “cash value” (column 3) minus the “loan from cash value” (column 4).

## **5. Checking and Savings Accounts**

- Write in the name of the bank and all checking, savings, money market accounts, or certificates of deposit you have with each bank.
- If you do not use bank accounts, write “cash” on the line and put the amount of cash you have.
- The “owner” is the person who has his or her name on the bank account.
- “Net value” is the “cash value” (column 3) minus the “personal loans or overdraft accounts” (column 4).

## **6. Household Contents**

- This includes your furniture, appliances, electronics and other items in your home.

## **7. Retirement**

- List all retirement accounts, pensions, 401(k)s, IRAs, and annuities

## **8. Other Assets**

- Anything that is not listed in the other boxes goes here.
- Examples are jewelry, furs, guns, sporting goods, farm animals

## **9. Total Net Value of Assets**

- Add all the numbers in the “Net Value” column in items **1** through **8**, and put the total of those numbers in the box.

## Part E. OTHER DEBTS

- Debts may include things such as past due balances on utilities, money owed to a landlord for damages after you move out, credit card debt, and loans from friends, family, or banks.

### 10. Debts not listed above:

- In this part list the money you or your spouse owe that you did not include in the “Debt” or “Loan” column in items 1 through 8.
- Check the box next to the letter “p.” if you have attached a separate sheet of paper with more information on other debts.
  - Write this on the top of the separate sheet: “Item 10: Other Debts.”
  - Write the information in the same way it appears in the table for item 10.
- Write your signature at the bottom of the separate sheet.

### 11. Total Debts

- Add the amounts owed in 10 and put the total in the box in 11.

## Part F. INCOME

### 12. Current Income for Wife

- List all types of current income.
- Enter the “gross income,” which is the income before any deductions are taken from the check.
- If you are the husband, give your best estimate.
- Write how often the wife is paid.
  - Monthly is when a person is paid one time a month.
  - Bi-weekly is when a person is paid every other week.
  - Twice a month is when a person is paid two times a month, such as on the 1<sup>st</sup> and the 15<sup>th</sup> of the month.
  - Weekly is when a person is paid every week.
- Check the box next to the letter “i.” if you have attached a separate sheet of paper with more information on the Wife’s income.
  - Write this on the top of the separate sheet: “Item 12: Current Income of Wife.”
  - Write the information in the same way it appears in the table for item 12.
  - Write your signature at the bottom of the separate sheet.

### 13. Deductions taken from Wife’s income

- List all deductions.
- If you are the husband, give your best estimate.
- Check the box next to the letter “i.” if you have attached a separate sheet of paper with more information on the Wife’s deductions.
  - Write this on the top of the separate sheet: “Item 13: Deductions from Wife’s Income.”
  - Write the information in the same way it appears in the table for item 13.
  - Write your signature at the bottom of the separate sheet.

**14. Current Income for Husband**

- List all types of current income.
- Enter the “gross income,” which is the income before any deductions are taken from the check.
- If you are the wife, give your best estimate.
- Write how often the husband is paid.
  - Monthly is when a person is paid one time a month.
  - Bi-weekly is when a person is paid every other week.
  - Twice a month is when a person is paid two times a month, such as on the 1st and the 15<sup>th</sup> of the month.
  - Weekly is when a person is paid every week.
- Check the box next to the letter “i.” if you have attached a separate sheet of paper with more information on the Husband’s income.
  - Write this on the top of the separate sheet: “Item **14**: Current Income of Husband.”
  - Write the information in the same way it appears in the table for item **14**.
  - Write your signature at the bottom of the separate sheet.

**15. Deductions taken from Husband’s income**

- List all deductions
- If you are the wife, give your best estimate
- Check the box next to the letter “i.” if you have attached a separate sheet of paper with more information on the deductions from Husband’s income.
  - Write this on the top of the separate sheet: “Item **15**: Deductions from Husband’s Income.”
  - Write the information in the same way it appears in the table for item **15**.
  - Write your signature at the bottom of the separate sheet.

<b>Part G. EXPENSES</b>
-------------------------

**16. Living Arrangements:** Check the one that applies to you.

**17. My Expenses**

- The form lists several types of expenses that almost everyone has to pay at some time each year. Write in
  - Who you pay these expenses to – under “Owed to”
  - How often you pay each type of expense – under “How often paid”
  - The approximate amounts you pay each month under – “Monthly Amount”
- If you have expenses that are not on the list, add them under “Other expense.”

## **Part H. ATTORNEY HELP**

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you *must* fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

## **Part I. OATH AND SIGNATURE**

Fill in all the blank lines in this section.

**By signing this form you are stating that the information on this form is true. The court may punish you if you lie on this form.**

### **Checklist of things you should do after you complete the Affidavit:**

- Carefully check your Financial Affidavit form. Be sure you've answered all questions.
- Make two photocopies of the original Financial Affidavit.
- Take the original and the copies to the district court clerk's office; ask them to time-stamp all of them.
- File the original Financial Affidavit at the district court clerk's office.
- Deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.
- Keep the other copy for your own records.

**Keep these instructions.**

**Do not file these instructions with the Financial Affidavit.**

**A. IN THE DISTRICT COURT FOR** \_\_\_\_\_ **COUNTY, IOWA**  
*(County where your case is filed)*

**IN RE THE MARRIAGE OF:** \_\_\_\_\_ **and** \_\_\_\_\_  
*(Petitioner's name) (Respondent's name)*

**B. UPON THE PETITION OF**

\_\_\_\_\_  
**PETITIONER** *(Full name: first, middle, last)*

**AND CONCERNING**

\_\_\_\_\_  
**RESPONDENT** *(Full name: first, middle, last)*

<b>Equity case number:</b>
<b>Affidavit of Mailing Notice</b> <i>(CLERK STAMPS HERE)</i>

**C. ATTORNEY HELP**

- Check one: a.  An attorney did not help me prepare or fill in this paper.  
 b.  An attorney helped me prepare or fill in this paper. *(If you check b., you must fill in the following information):*

_____ <i>(Name of attorney or organization, if any)</i>	_____ <i>(Attorney's P.I.N. # -- Ask the attorney)</i>
_____ <i>(Business address of attorney or organization)</i>	_____ <i>(City)</i>
	_____ <i>(State)</i>
	_____ <i>(Zip code)</i>
(_____) _____ <i>(Attorney's phone number – required)</i>	(_____) _____ <i>(Attorney's fax number, if there is one)</i>

**D. PETITIONER'S OATH AND SIGNATURE**

I, the undersigned, certify under penalty of perjury and pursuant to the laws of the state of Iowa that

on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, I sent by ordinary mail, with proper postage affixed, the following paper or papers *(check one)*:

- Original Notice and Petition for Dissolution of Marriage – OR –
- Notice of Intent to File a Written Application for Default Decree to the other party's last-known address as follows:

\_\_\_\_\_  
*(Street address)*

\_\_\_\_\_  
*(City)*

\_\_\_\_\_  
*(State)*

\_\_\_\_\_  
*(Zip code)*

Petitioner's signature: \_\_\_\_\_

**Notice to the Petitioner:** You *must* file this form at the district court clerk's office if you served Notice by Publication in a newspaper – OR – if you ask the court for a final Decree by default.

**FL-126** NOTICE OF INTENT TO FILE WRITTEN APPLICATION FOR DEFAULT DECREE

**PRINT CLEARLY**

**A.** IN THE DISTRICT COURT FOR \_\_\_\_\_ COUNTY, IOWA  
*(County where your case is filed)*

**B.** UPON PETITION OF

\_\_\_\_\_  
**PETITIONER** (*Full name: first, middle, last*)

VS.

\_\_\_\_\_  
**RESPONDENT** (*Full name: first, middle, last*)

**Equity case number:**

\_\_\_\_\_  
**Notice of Intent to File Written  
Application for Default Decree**  
*(CLERK STAMPS HERE)*

**C.**

**TO:** \_\_\_\_\_  
*(Respondent's Name: First, Middle, Last)*

**DATE OF NOTICE:** \_\_\_\_\_

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN **TEN DAYS** FROM THE DATE OF THIS NOTICE, A DEFAULT DECREE OF DISSOLUTION OF MARRIAGE WILL BE ENTERED AGAINST YOU WITHOUT A HEARING, AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD SEEK LEGAL ADVICE AT ONCE.

\_\_\_\_\_  
*Signature of Petitioner or Petitioner's Attorney*

\_\_\_\_\_  
*Petitioner's Street Address*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip Code*

\_\_\_\_\_  
*Petitioner's Telephone Number*

**Instructions for the Petitioner:**

- (1) Deliver a copy of this form to the Respondent by mail or in-person.
- (2) Complete form **FL-125** and file the original at the district court clerk's office.
- (3) File the original of this form (**FL-126**) at the district court clerk's office.
- (4) Keep a copy for your records.

**FL-127** REQUEST FOR RELIEF IN A DISSOLUTION OF MARRIAGE WITH NO MINOR CHILDREN

**PRINT CLEARLY**

**A.** IN THE DISTRICT COURT FOR \_\_\_\_\_ COUNTY, IOWA  
(County where the Petition was filed)

IN RE THE MARRIAGE OF: \_\_\_\_\_ and \_\_\_\_\_  
(Petitioner's name) (Respondent's name)

**B.** UPON THE PETITION OF

\_\_\_\_\_  
PETITIONER (Full name: first, middle, last)

AND CONCERNING

\_\_\_\_\_  
RESPONDENT (Full name: first, middle, last)

Equity case number:

Request for Relief in a  
Dissolution of Marriage  
With No Minor Children  
(CLERK STAMPS HERE)

**C. PERSONAL INFORMATION**

**1.** Husband: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Present street address) (City) (State) (Zip code)

\_\_\_\_\_  
(County) (Date of birth)

**2.** Wife: \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Present street address) (City) (State) (Zip code)

\_\_\_\_\_  
(County) (Date of birth)

**D. REQUEST FOR RELIEF**

**3. Children** (*check all that are true*):

- a.  There are no children under the age of 18 who are children of both the husband and the wife.
- b.  There are no children under the age of 18 who were adopted or born during this marriage.
- c.  There are no children 18 years of age or older who still need support.
- d.  The wife is not pregnant.

**4. Breakdown of Marriage.** The marriage has broken down and cannot be saved.

**5. Counseling.** Counseling will not save the marriage.

**6. Waiting Period Before Decree** (*check only one*):

- a.  More than 90 days have passed since Respondent was served with an Original Notice.
- b.  I want the court to take action right away without a separate hearing. I have no children affected by this action. The wife is not pregnant. This paper explains how I would like to settle all issues in my divorce.

**7. Financial Statements.**

- a.  I filed a Financial Statement. I certify that I have fully disclosed all income and the identity and value of all assets and debts.
- b.  I am asking that the court not require me to file a financial statement because:  
\_\_\_\_\_

**8. Division of Personal Property** (*check only one*):

- a.  All of the personal property obtained during the marriage has been divided. I ask that Husband will keep the personal property in his possession and Wife will keep the personal property in her possession.

- b.  I ask that our personal property be divided as follows:

*(Attach additional sheets if necessary.)*

(1) Husband will get the following as his separate personal property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Wife will get the following as her separate personal property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9. Division of Real Estate.**

**a. Ownership of Real Estate** (*check only one*):

(1)  We do not own any real estate (*if you check this box, skip to 10*).

(2)  We own real estate located at: (address) \_\_\_\_\_

in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_.

This land is described in the deed as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**b. The Real Estate shall be** (*check only one*):

(1)  Sold and the profit or debt divided \_\_\_\_\_% to Husband and \_\_\_\_\_% to Wife.

(2)  Awarded to Husband, subject to all liens and mortgages.

(3)  Awarded to Wife, subject to all liens and mortgages.

(4)  Other (describe): \_\_\_\_\_

**10. Division of Debts** (*check only one*):

a.  There are no debts.

b.  I have listed all the debts I know about and ask that they be divided as follows:

(*Attach additional sheets if necessary.*)

(1) Husband will pay the following debts:

(a) <u>Business or person to whom a debt is owed</u>	(b) <u>Account number</u> - if any ( <i>Last 4 numbers only</i> )	(c) <u>Total Amount Still Owed</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

(2) Wife will pay the following debts:

(a) <u>Business or person to whom a debt is owed</u>	(b) <u>Account number</u> - if any ( <i>Last 4 numbers only</i> )	(c) <u>Total Amount Still Owed</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Any of my spouse's debts that I do not know about should be paid by my spouse.

**11. Cash Payment** (*check only one*):

- a.  I ask that neither Husband nor Wife pay any money to the other.
- b.  I ask that Husband pay Wife \$\_\_\_\_\_ to equalize the division of property and debts.
- c.  I ask that Wife pay Husband \$\_\_\_\_\_ to equalize the division of property and debts.

**12. Alimony** (*check only one*):

- a.  I ask that neither Husband nor Wife pay alimony to the other.
- b.  I ask that alimony be paid as follows:

---

---

**13. Name Change.** I ask that my name (*check only one*):

- a.  Not be changed
- b.  Be changed to \_\_\_\_\_

**14. Court Fees.** I ask that (*check only one*):

- a.  All court fees will be paid by Husband.
- b.  All court fees will be paid by Wife.
- c.  Husband and Wife shall each pay one-half of the remaining court fees.
- d.  Husband and Wife shall each pay one-half of the total court fees.

**15. Attorney's Fee** (*check only one*)

- a.  I have no attorney's fees.
- b.  I will pay my own attorney's fees.
- c.  I ask that my spouse pay me \$\_\_\_\_\_ for attorney's fees.

**16. Necessary Documents.**

I ask that the court require each of us to sign and deliver to each other any papers that may be needed to carry out the terms of the decree.

**17. Other Request for Relief**

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**18. Statements of Understanding and Fact.** (Check all that apply):

- a.  I have made a full disclosure of my property and debts to the court.
- b.  This request for relief addresses all issues in my divorce.
- c.  I want this request for relief to be approved by the court and made part of the final Decree.

**E. ATTORNEY HELP**

Check one: a.  An attorney did not help me prepare or fill in this paper.  
b.  An attorney helped me prepare or fill in this paper. (If you check b., you must fill in the following information):

_____	_____
(Name of attorney or organization, if any)	(Attorney's P.I.N. # -- Ask the attorney)
_____	_____
(Business address of attorney or organization)	(City) (State) (Zip code)
(_____) _____	(_____) _____
(Attorney's phone number – required)	(Attorney's fax number, if there is one)

**F. OATH AND SIGNATURE**

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read the "Request for Relief" above and it accurately states how I would like the court to address the issues in my divorce. I ask that this document be presented to a judge for approval and filing with the court. I also certify that I gave or mailed a copy of this Request for Relief to the other party or the other party's attorney (if any) on (date): \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

*My Signature*

\_\_\_\_\_

*My Printed Name*

## **Instructions for Completing a Request for Relief in a Dissolution of Marriage With No Minor Children (FL-127)**

### **Use this form only if:**

- You have already filed a Petition for Dissolution of Marriage with No Minor Children – AND:
  - Your spouse did not file an Answer to the Petition – **OR** –
  - Your spouse will not work with you to fill in **FL-128** (Settlement Agreement for a Dissolution of Marriage With No Minor Children).

### **To use this form, all of these must also be true:**

- There are no children under the age of 18 who are children of both the husband and the wife.
- There are no children under the age of 18 who were adopted or born during this marriage.
- There are no children 18 years of age or older who still need support
- The wife is not pregnant.
- Your spouse lives in Iowa or you have lived in Iowa for the last year before you filed the Petition for Dissolution of Marriage with No Minor Children.

### **Do not use this form if any of these are true:**

- You and your spouse have children under the age of 18.
- You and your spouse have children 18 years of age or older who need support.

**Examples:** The child is 18 years of age but is still in high school.

The child is 18 years of age or older but is in college or disabled and needs support.

### **No forms are available for these situations:**

- You want to divide property, but are not married.
- You have children with another person and you want to have custody of the children, but you are not married.
- You and your spouse are divorced, but you want to change something in the divorce order.
- You want support for yourself or your children, but you do not want a divorce.

### **Contact an attorney if one of these is true:**

- You do not know if you should use this form – **OR** –
- You do not understand how to use this form.

### **Court staff cannot give you legal advice.**

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

### **If this is the form you need:**

- Begin at the top of page 1 on the Request for Relief and fill in the information. Use the information on the following pages to help you fill in the form correctly.

### **Print clearly when you write information on this form**

## How to Fill In Form **FL-127**

### **Part A. IN THE DISTRICT COURT**

- On the first line print the name of the county where the Petition was filed.
- On the second line print your spouse's full name and your legal name, as they appear on the Petition. Use the legal names you have now.

### **Part B. UPON THE PETITION**

- Fill in the lines in part **B.** as they appear on the Petition form (**FL-101**).
- In the box on the right, write in the court's "Equity case number" for your divorce case. It appears in this same location on the Petition form (**FL-101**). If you don't know the Equity case number, you may ask the district court clerk.
- The district court clerk will stamp the date your answer is filed under "Clerk Stamps Here."

### **Part C. PERSONAL INFORMATION**

**If you have been assaulted by your spouse and you fear for your safety, you may leave your address and phone number blank.**

- 1.** On the blank write in the Husband's name, present address, city, state, zip code, county, and date of birth. Make sure the information is correct.
- 2.** On the blank write in the Wife's name, present address, city, state, zip code, county, and date of birth. Make sure the information is correct.

### **Part D. REQUEST FOR RELIEF**

- 3. Children:** If there are children under age 18 -- or if the wife is pregnant -- you **cannot use this form**. You should talk to an attorney.
  - a. Check the box if there are no children under the age of 18 who are the children of **both** the husband and the wife.
    - If the husband and wife had children together (born or adopted) before the marriage and the children are under the age of 18, **you cannot use this form**.
    - If the husband and wife had children together (born or adopted) during the marriage and the children are under the age of 18, **you cannot use this form**.
  - b. Check the box if there are no children under the age of 18 who were adopted or born while the wife and husband were married.
    - If any children under the age of 18 were born or adopted during the marriage, **you can not use this form**. You cannot use this form *even if the husband is not the father*.

- c. Check the box if there are no children 18 years of age or older who are children of both the husband and the wife and who still need support.
- If there are children 18 years of age or older who need support, **you cannot use this form.**
  - Examples:
    - A child is 18 years of age but is still in high school.
    - A child is 18 years of age or older but is in college or disabled and needs support.
- d. Check the box if the wife is not pregnant. **If the wife is pregnant, you cannot use this form.**

**4. Breakdown of Marriage.** This statement is required for a Dissolution of Marriage in Iowa.

**5. Counseling.** This statement is required for a Dissolution of Marriage in Iowa.

**6. Waiting Period Before the Decree.**

- a. If more than 90 days have passed since Respondent was served with notice of this action, check the box.
- b. If less than 90 days have passed since Respondent was served with notice of this action, read “b” carefully and check if it is true.

**7. Financial Statements.**

- a. If “a” is true, check the box.
- b. If “b” is true, check the box.
  - The Financial Statement you file will give the court a complete record of your financial situation. If you are asking the court not to make you file financial statements, print the reasons why on the line provided.

**8. Division of Personal Property.** Check one.

- a. If “a” is true, check the box – then go to **9**.
- b. Check “b” if the personal property obtained during the marriage has not yet been divided.
  - Print a list of the personal property you want to be given to the Husband.
  - Print a list of the personal property you want to be given to the Wife.

**9. Division of Real Estate**

a. **Ownership of Real Estate**

- (1) Check this if Husband and Wife do not own any real estate. Then go to **10**.
- (2) Check this if Husband and Wife do own any real estate. Then fill in the address of the real estate and the legal description of the land as it is described in the deed or contract.

b. **How the Real Estate will be Divided**

- (1) Check this if you want the real estate identified in **9**.a.(2) to be sold. Then write in the percentage of the profit or debt left over after the sale that you want to go to the Husband and the Wife. Then go to **10**.
- (2) Check this if you want the Husband to become the only owner of the real estate identified in **9**.a.(2). Then go to **10**.
- (3) Check this if you want the Wife to become the only owner of the real estate identified in **9**.a.(2). Then go to **10**.

**10. Division of Debts**

Check only one:

- a. Check this box if there are no debts owed by either spouse. Then go to **11**.
- b. Check this box if there are debts. This tells the court how you want all debts divided.

(1) Husband will pay the following debts:

- (a) In the first column, write in the full name of the business or person to whom you owe a debt.
- (b) In the second column, write in the last four numbers of the “Account Number” – if there is one. If there is no account number, write in a description such as “personal loan.”
- (c) In the third column, write in the “Total Amount Still Owed.” This is the remaining balance owed, not your monthly payment:

Examples:

(a) <u>Business or person to whom a debt is owed</u>	(b) <u>Account number</u> - if any <i>(Last 4 numbers only)</i>	(c) <u>Total Amount Still Owed</u>
Capitol Bank Mastercard	1357	\$5,000
Ford Credit Corp.	2468	\$11,500
U.S. Bank Visa Card	3579	\$4,250
Charles Berkley	Personal loan	\$200

(2) Wife will pay the following debts: Fill in the debts that the wife will pay. Follow the examples above.

**11. Cash Payment.** You may check only one of these:

- a. If “a” is true, check the box.
- b. If you want Husband to pay Wife a cash payment, write the amount of money that he will be paying her.
- c. If you want Wife to pay Husband a cash payment, write the amount of money that she will be paying him.

**12. Alimony.** You may check only one of these:

- a. If “a” is true, check the box.
- b. Check “b” to request alimony be paid. In the lines that follow, write what you want as the terms of the alimony.

**13. Name Change.**

- a. Check this box if you do not want your name changed.
- b. Check this box if you want to change your name. Write in the new name in the blank space.

**14. Court Fees.** You may check only one of these to tell the court what you want.

- a. Check “a” if you want Husband to pay the court fees.
- b. Check “b” if you want Wife to pay the court fees.
- c. Check “c” if you want Husband and Wife to each pay one-half of the remaining court fees.
- d. Check “d” if you want Husband and Wife to each pay one-half of the total court fees.

**15. Attorney Fees.** You may check only one of these to tell the court what you want.

- a. If this is true, check the box.
- b. If this is true, check the box.
- c. If this is true, check the box. Fill in the dollar amount you want to be paid by your spouse.

**16. Necessary Documents.** This statement is required.

**17. Other Request for Relief.** If you want something else that is not covered in the rest of the Request for Relief, write a brief description of what you want in the space provided.

**18. Statements of Understanding and Fact.** Check all that are true.

- a. If “a” is true, check the box.
- b. If “b” is true, check the box.
- c. If “c” is true, check the box.

## **Part E. ATTORNEY HELP**

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

## **Part F. OATH AND SIGNATURE**

Sign your name on the line provided, then print your name on the line below it.

By signing this form you are stating that the information on this form is true. **The court may punish you if you lie on this form.**

**Checklist of things you should do after you complete the Request form:**

- Carefully check your Request for Relief form. Be sure you've answered all questions.
- Make two photocopies of the original form.
- Take the original and the copies to the district court clerk's office; ask them to time-stamp all of them.
- File the original Request for Relief form at the district court clerk's office.
- Ask the district court clerk to give the Request for Relief to a judge for approval. You may need a hearing date when you can meet with a judge to discuss your Request for Relief.
- Soon after you leave the district court clerk's office, deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.
- Keep the other copy for your own records.

**Remember:**

**Keep these instructions.**

**Do not file these instructions with the Request for Relief.**

**PRINT CLEARLY**

**A.** IN THE DISTRICT COURT FOR \_\_\_\_\_ COUNTY, IOWA  
*(County where the Petition was filed)*

IN RE THE MARRIAGE OF: \_\_\_\_\_ and \_\_\_\_\_  
*(Petitioner's name) (Respondent's name)*

**B.** UPON THE PETITION OF

\_\_\_\_\_  
PETITIONER *(Full name: first, middle, last)*

AND CONCERNING

\_\_\_\_\_  
RESPONDENT *(Full name: first, middle, last)*

**Equity case number:**

\_\_\_\_\_  
**Settlement Agreement for a  
Dissolution of Marriage  
With No Minor Children**  
*(CLERK STAMPS HERE)*

**C. PERSONAL INFORMATION**

**1.** Husband's: \_\_\_\_\_  
*(Name)*

\_\_\_\_\_  
*(Present street address) (City) (State) (Zip code)*

\_\_\_\_\_  
*(County) (Date of birth)*

**2.** Wife's: \_\_\_\_\_  
*(Name)*

\_\_\_\_\_  
*(Present street address) (City) (State) (Zip code)*

\_\_\_\_\_  
*(County) (Date of birth)*

**D. AGREEMENTS**

We agree to the following:

**3. Children** (*check all that are true*):

- a.  There are no children under the age of 18 who are children of both the husband and the wife.
- b.  There are no children under the age of 18 who were adopted or born during this marriage.
- c.  There are no children 18 years of age or older who still need support.
- d.  The wife is not pregnant.

**4. Breakdown of Marriage.** The marriage has broken down and cannot be saved.

**5. Counseling.** Counseling will not save the marriage.

**6. Waiting Period Before Final Decree** (*check one*):

- a.  More than **90 days** have passed since Respondent accepted service or was served with an Original Notice.
- b.  We want the court to take immediate action without a separate hearing because we have no children affected by this case, the wife is not pregnant, and we agree on how to settle all issues in our divorce.

**7. Financial Statements** (*check one*):

- a.  Husband has filed a Financial Statement. He certifies that he has fully disclosed all income and the identity and value of all assets and debts.
  - b.  Wife has filed a Financial Statement. She certifies that she has fully disclosed all income and the identity and value of all assets and debts.
  - c.  We ask the court to not require us to file Financial Statements because: \_\_\_\_\_
- \_\_\_\_\_

**8. Division of Personal Property** (*check one*):

- a.  We have divided our personal property. Husband will keep the personal property in his possession. Wife will keep the personal property in her possession. (*If you check this box, skip to 9.*)
- b.  Our personal property will be divided as follows (*Attach additional sheets if necessary*):

(1) Husband will get the following as his separate personal property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) Wife will get the following as her separate personal property: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**9. Division of Real Estate**

**a. Ownership of Real Estate** (*check one*):

(1)  We do not own any real estate (*if you check this box, skip to 10*).

(2)  We own real estate located at (*address*) \_\_\_\_\_  
 in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_.  
 This land is described in the deed as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

**b. The Real Estate shall be** (*check one*):

(1)  Sold and the profit or debt is divided \_\_\_\_\_% to Husband and \_\_\_\_\_% to Wife.

(2)  Awarded to Husband, subject to all liens and mortgages.

(3)  Awarded to Wife, subject to all liens and mortgages.

(4)  Other (describe): \_\_\_\_\_  
 \_\_\_\_\_

**10. Division of Debts** (*check one*):

a.  There are no debts.

b.  We have listed all the debts we know about and ask that they be divided as follows:  
 (*Attach additional sheets if necessary.*)

(1) Husband will pay the following debts:

(a) <u>Business or person to whom a debt is owed</u>	(b) <u>Account number</u> - if any <i>(Last 4 numbers only)</i>	(c) <u>Total Amount</u> <u>Still Owed</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

(2) Wife will pay the following debts:

(a) <u>Business or person to whom a debt is owed</u>	(b) <u>Account number - if any</u> <i>(Last 4 numbers only)</i>	(c) <u>Total Amount</u> <u>Still Owed</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Any debts that we do not know about should be paid by the spouse who made the debt.

**11. Cash Payment to Equalize the Division of Property and Debts** *(check one):*

- a.  Neither Husband nor Wife will pay any money to the other.
- b.  Husband will pay Wife \$ \_\_\_\_\_ by (date): \_\_\_\_\_
- c.  Wife will pay Husband \$ \_\_\_\_\_ by (date): \_\_\_\_\_

**12. Alimony** *(check one):*

- a.  Neither Husband nor Wife will pay alimony to the other.
- b.  Husband will pay alimony to Wife as follows: \_\_\_\_\_  
\_\_\_\_\_
- c.  Wife will pay alimony to Husband as follows: \_\_\_\_\_  
\_\_\_\_\_

**13. Name Change.**

- a. Husband's name *(check one):*
  - (1)  Will not be changed
  - (2)  Will be changed to \_\_\_\_\_
- b. Wife's name *(check one):*
  - (1)  Will not be changed
  - (2)  Will be changed to \_\_\_\_\_

**14. Court Fees** (*check one*):

- a.  All court fees will be paid by Husband.
- b.  All court fees will be paid by Wife.
- c.  Husband and Wife shall each pay one-half of the remaining court fees.
- d.  Husband and Wife shall each pay one-half of the total court fees.

**15. Attorney's Fee.**

a. Husband's attorney's fees (*check one*):

- (1)  Husband has no attorney's fees
- (2)  Husband will pay his own attorney's fees
- (3)  Wife will pay \$\_\_\_\_\_ for Husband's attorney's fees.

b. Wife's attorney's fees (*check one*):

- (1)  Wife has no attorney's fees
- (2)  Wife will pay her own attorney's fees
- (3)  Husband will pay \$\_\_\_\_\_ for Wife's attorney's fees.

**16. Necessary Documents.** We will sign and promptly deliver to each other any papers that may be needed to carry out this agreement.

**17. Other Agreements** (*Attach additional sheets if necessary.*)

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**E. ATTORNEY HELP**

Check one: a.  An attorney did not help me prepare or fill in this paper.

b.  An attorney helped me prepare or fill in this paper. (*If you check b., you must fill in the following information*):

\_\_\_\_\_  
(Name of attorney or organization, if any)

\_\_\_\_\_  
(Attorney's P.I.N. # -- Ask the attorney)

\_\_\_\_\_  
(Business address of attorney or organization)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip code)

(\_\_\_\_\_)\_\_\_\_\_  
(Attorney's phone number – required)

(\_\_\_\_\_)\_\_\_\_\_  
(Attorney's fax number, if there is one)

**F. OATH AND SIGNATURE**

This Settlement Agreement addresses all issues in our divorce. We have made a full disclosure of our property and debts to each other. We want this agreement to be approved by the court and made part of the final Decree.

**Wife's Oath and Signature:**

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read the "Marital Settlement Agreement" above and it accurately states how I would like the court to address the issues in my divorce. I know I have the right to talk to an attorney about this agreement. I am voluntarily signing this agreement. I am asking that this document be presented to a Judge for approval and filing with the court.

\_\_\_\_\_

*Date signed by Wife*

\_\_\_\_\_

*Wife's Signature*

\_\_\_\_\_

*Wife's Printed Name*

**Husband's Oath and Signature:**

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that I have read the "Marital Settlement Agreement" above and it accurately states how I would like the court to address the issues in my divorce. I know I have the right to talk to an attorney about this agreement. I am voluntarily signing this agreement. I am asking that this document be presented to a Judge for approval and filing with the court.

\_\_\_\_\_

*Date signed by Husband*

\_\_\_\_\_

*Husband's Signature*

\_\_\_\_\_

*Husband's Printed Name*

## **Instructions on How to Complete a Settlement Agreement for Dissolution of Marriage With No Minor Children (FL-128)**

**Do not file or give these instructions to the district court clerk's office.**

**Use this form only if all of these are true:**

- You and your spouse both agree to this Settlement Agreement.
- You have already filed a Petition for Dissolution of Marriage with No Minor Children
- There are no children under the age of 18 who are children of both the husband and the wife.
- There are no children under the age of 18 who were adopted or born during this marriage.
- There are no children 18 years of age or older who still need support.
- The wife is not pregnant.
- Your spouse lives in Iowa or you have lived in Iowa for the last year before you filed the Petition for Dissolution of Marriage with No Minor Children.

**Do not use this form if any of these are true:**

- You and your spouse have children under the age of 18.
- You and your spouse have children 18 years of age or older who need support.

**Examples:** The child is 18 years of age but is still in high school.

The child is 18 years of age or older but is in college or disabled and needs support.

**No forms are available for these situations:**

- You want to divide property, but are not married.
- You have children with another person and you want to have custody of the children, but you are not married.
- You and your spouse are divorced, but you want to change something in the divorce order.
- You want support for yourself or your children, but you do not want a divorce.

**Contact an attorney if one of these is true:**

- You do not know if you should use this form – OR –
- You do not understand how to use this form.

**Court staff cannot give you legal advice.**

- Court staff cannot tell you if you should use this form. They cannot tell you which boxes to check or what information you should write on the form.

**If this is the form you need:**

- Begin at the top of page 1 on the Settlement Agreement and fill in the information. Use the information on the following pages to help you fill in the form correctly.

**Print clearly when you write information on this form.**

**It is illegal to sign another person's signature on any court form.**

## How to Fill in Form **FL-128**

### **Part A. IN THE DISTRICT COURT**

- On the first line print the name of the county where the Petition was filed.
- On the second line print your spouse's full name and your full name, as they appear on the Petition. Use the legal names you have now.

### **Part B. UPON THE PETITION OF**

- Fill in the lines in part **B.** as they appear on the Petition form (**FL-101**).
- In the box on the right, write in the court's "Equity case number" for your divorce case. It appears in this same location on the Petition form (**FL-101**) and almost all other court forms filed in your case.
- The district court clerk will stamp the date your answer is filed under "Clerk Stamps Here."

### **Part C. PERSONAL INFORMATION**

► **If you have been assaulted by your spouse and you fear for your safety, you may leave your address and phone number blank.**

**1.** On the blank write in the Husband's name, present address, city, state, zip code, county, and date of birth. Make sure the information is correct.

**2.** On the blank write in the Wife's name, present address, city, state, zip code, county, and date of birth. Make sure the information is correct.

### **Part D. AGREEMENT**

**3. Children:** If there are children under the age of 18 -- or if the wife is pregnant -- you **cannot use this form.** You should talk to an attorney.

a. Check the box if there are no children under the age of 18 who are the children of **both** the husband and the wife.

- If the husband and wife had children together (born or adopted) before the marriage and the children are under the age of 18, **you cannot use this form.**
- If the husband and wife had children together (born or adopted) during the marriage and the children are under the age of 18, **you cannot use this form.**

b. Check the box if there are no children under the age of 18 who were adopted or born while the wife and husband were married.

- If any children under the age of 18 were born or adopted during the marriage, **you can not use this form.** You cannot use this form *even if the husband is not the father.*

- c. Check the box if there are no children 18 years of age or older who are children of both the husband and the wife and who still need support.
- If there are children 18 years of age or older who need support, **you cannot use this form.**
  - Examples:
    - A child is 18 years of age but is still in high school.
    - A child is 18 years of age or older but is in college or disabled and needs support
- d. Check the box if the wife is not pregnant. **If the wife is pregnant, you cannot use this form.**

**4. Breakdown of Marriage.** This statement is required for dissolution of Marriage in Iowa.

**5. Counseling.** This statement is required for dissolution of Marriage in Iowa.

**6. Waiting Period Before Decree.**

- a. If more than 90 days have passed since Respondent accepted service or was served with notice of this action, check the box.
- b. If less than 90 days have passed since Respondent accepted service or was served with notice of this action, read “b” carefully and check if it is true.

**7. Financial Statements.**

- a. If “a” is true, check the box.
- b. If “b” is true, check the box.
- c. The Financial Statements filed by Husband and Wife will give the court a complete record of your financial situation. If you are asking the court not to make you file financial statements, print the reasons why on the line provided.

**8. Division of Personal Property.**

- a. If “a” is true, check the box – then go to **9**.
- b. Check “b” if the personal property obtained during the marriage has not yet been divided.
- Print a list of the personal property to be given to the Husband
  - Print a list of the personal property to be given to the Wife.

**9. Division of Real Estate**

a. **Ownership of Real Estate**

- (1) Check this if Husband and Wife do not own any real estate.
- (2) Check this if Husband and Wife do own any real estate, then fill in the address of the real estate and the legal description of the land as it is described in the deed or contract.

b. **How the Real Estate will be Divided**

- (1) Check this if the real estate identified in **9**.a.(2) is to be sold and not kept by either the Husband or Wife. Then write in the percentage of the profit or debt left over after the sale that will go to the Husband and the Wife. Then go to **10**.
- (2) Check this if Husband will become the only owner of the real estate identified in **9**.a.(2). Then go to **10**.
- (3) Check this if the Wife will become the only owner of the real estate identified in **9**.a.(2). Then go to **10**.

**10. Division of Debts**

You may *check only one* of these:

- a. Check this if there are no debts to divide. Then go to **11**.
- b. Check this if there are debts to be divided.

(1) Husband will pay these debts

- (a) In the first column, write in the full name of the business or person to whom you owe a debt.
- (b) In the second column, write in the last four numbers of the “Account Number” – if there is one. If there is no account number, write in a description such as “personal loan.”
- (c) In the third column, write in the “Total Amount Still Owed.” This is the remaining balance owed, not your monthly payment:

Examples:

(a) <u>Business or person to whom a debt is owed</u>	(b) <u>Account number</u> - if any <i>(Last 4 numbers only)</i>	(c) <u>Total Amount Still Owed</u>
Capitol Bank Mastercard	1357	\$5,000
Ford Credit Corp.	2468	\$11,500
U.S. Bank Visa Card	3579	\$4,250
Charles Berkley	Personal loan	\$200

(2) Wife will pay the following debts: Fill in the debts that the wife will pay. Follow the examples above.

**11. Cash Payment.** You may *check only one* of these:

- a. If “a” is true, check the box.
- b. If Husband will be paying Wife a cash payment, print the amount of money that he will be paying her.
- c. If Wife will be paying Husband a cash payment, print the amount of money that she will be paying him.

**12. Alimony.** You may *check only one* of these:

- a. If “a” is true, check the box.
- b. Check “b” if the Husband will pay alimony to the Wife, and print the terms of alimony (name of person paying alimony, total amount to be paid, number of payments, amount of each payment, and when payments will be made (such as “the 1<sup>st</sup> Monday of every month”).
- c. Check “b” if the Wife will pay alimony to the Husband, and print the terms of alimony (name of person paying alimony, total amount to be paid, number of payments, amount of each payment, and when payments will be made (such as “the 1<sup>st</sup> Monday of every month”).

**13. Name Change.**

- a. This is about the Husband’s name
  - (1) Check this box if it will not be changed.
  - (2) Check this box if it will be changed and write in the new name in the blank space.

- b. This is about the Wife's name
- (1) Check this box if it will not be changed.
  - (2) Check this box if it will be changed and write in the new name in the blank space.

**14. Court Fees.** You may *check only one* of these:

- a. If "a" is true, check the box.
- b. If "b" is true, check the box.
- c. If "c" is true, check the box.
- d. If "d" is true, check the box.

**15. Attorney Fees.**

- a. Husband's attorney fees. You may *check only one* of these:
  - (1) If this is true, check the box.
  - (2) If this is true, check the box.
  - (3) If this is true, check the box and fill in the dollar amount to be paid by Wife.
- b. Wife's attorney fees. You may *check only one* of these:
  - (1) If this is true, check the box.
  - (2) If this is true, check the box.
  - (3) If this is true, check the box and fill in the dollar amount to be paid by Husband.

**16. Necessary Documents.** You must do what this statement says. You do not have to write anything on the form for **16**.

**17. Other Agreements.** If Husband and Wife have made other agreements that are not covered in the rest of the Settlement Agreement, write a brief description of these other agreements in the space provided.

**Part E. ATTORNEY HELP**

- Check a. if an attorney did not help you decide which boxes to check or what to write in any of the spaces on the form.
- Check b. if an attorney did help you decide which boxes to check or what to write in any of the spaces on the form. If you check b., you must fill in the information in the lines below b. If you do not know what to write in these lines, contact the attorney who helped you with the form.

**Part F. OATH AND SIGNATURE**

Wife should sign her name on the line provided, then print her name on the line below it.

Husband should sign his name on the line provided, then print his name on the line below it.

**By signing this form you are stating that the information on this form is true. The court may punish you if you lie on this form.**

**Checklist of things you should do after you complete the  
Settlement Agreement form:**

- Carefully check your Settlement Agreement form. Be sure you've answered all questions.
- Make two photocopies of the original form.
- Take the original and the copies to the district court clerk's office; ask them to time-stamp all of them.
- File the original Settlement Agreement form at the district court clerk's office.
- Ask the district court clerk to give the Settlement Agreement to a judge for approval (or to set a hearing date when you can meet with a judge to discuss your Settlement Agreement).
- Immediately after you leave the district court clerk's office, deliver (by mail or in-person) one copy to your spouse or your spouse's attorney.
- Keep the other copy for your own records.

**Keep these instructions.**

**Do not give these instructions to the Clerk of District Court.**